

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|-------------------------------------|---|--------------------------------------|
| RICHARD SMITH, | : | CIVIL ACTION NO. 1:08-CV-1277 |
| Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| DAUPHIN COUNTY CORRECTIONS | : | |
| SERGEANT KUZO, JAMES MILLER, | : | |
| WARDEN DOMINICK L. DeROSE, | : | |
| COUNTY OF DAUPHIN, DAUPHIN | : | |
| COUNTY PRISON BOARD, | : | |
| Defendants | : | |

ORDER

AND NOW, this 24th day of November, 2010, upon consideration of the report of United States Magistrate Judge Martin C. Carlson (Doc. 42), recommending that defendants' motion for partial summary judgment (Doc. 27) be granted, and, following an independent review of the record and noting that plaintiff filed objections¹ to the report on September 22, 2010 (Doc. 43), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Carlson (Doc. 42) is ADOPTED.
2. Defendants' motion for partial summary judgment (Doc. 27) is GRANTED in favor of Defendants DeRose, Dauphin County and Dauphin County Prison Board.
3. The Clerk of Court is directed to enter JUDGMENT in favor of Defendants DeRose, Dauphin County and Dauphin County Prison Board.
3. As per the stipulation of the parties, the John Doe Defendants and First Amendment claims of Plaintiff are DISMISSED.
4. A pretrial scheduling order shall issue separately.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge